

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hannah Sampson	Team: Squad #8	CCRB Case #: 201803885	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 05/03/2018 3:00 AM	Location of Incident: Boston Road and Fenton Avenue	Precinct: 47	18 Mo. SOL 11/3/2019	EO SOL 11/3/2019	
Date/Time CV Reported Wed, 05/16/2018 3:15 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Wed, 05/16/2018 3:15 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			047 PCT
2. SGT Aleksandr Kovalenko	01184	944709	047 PCT
3. POM Christophe Crocitto	07873	940035	047 PCT
4. POM Matthew Palmerini	10321	942320	047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Rowe	7484	955421	047 PCT
2. POM Michael Monahan	7987	955210	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Aleksandr Kovalenko	Abuse: Sergeant Aleksandr Kovalenko stopped § 87(2)(b)	
B.SGT Aleksandr Kovalenko	Abuse: Sergeant Aleksandr Kovalenko stopped § 87(2)(b)	
C.POM Christophe Crocitto	Abuse: Police Officer Christopher Crocitto frisked § 87(2)(b)	
D. An officer	Abuse: An officer frisked § 87(2)(b)	
E. An officer	Abuse: An officer searched § 87(2)(b)	
F.POM Christophe Crocitto	Abuse: Police Officer Christopher Crocitto searched § 87(2)(b)	
G.POM Christophe Crocitto	Abuse: Police Officer Christopher Crocitto searched § 87(2)(b)	
H.POM Christophe Crocitto	Force: Police Officer Christopher Crocitto used a chokehold against § 87(2)(b)	
I. An officer	Force: An officer struck § 87(2)(b) with a blunt instrument.	
J.POM Christophe Crocitto	Force: Police Officer Christopher Crocitto used physical force against § 87(2)(b)	
K.SGT Aleksandr Kovalenko	Force: Sergeant Aleksandr Kovalenko used physical force against § 87(2)(b)	
L.POM Matthew Palmerini	Force: Police Officer Matthew Palmerini used physical force against § 87(2)(b)	
M.POM Matthew Palmerini	Abuse: Police Officer Matthew Palmerini searched § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(b)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

Case Summary

On May 16, 2018, § 87(2)(b) filed this complaint in-person with the CCRB on behalf of himself and § 87(2)(b).

On May 3, 2018, at approximately 3:00 a.m., Sgt. Aleksander Kovalenko, PO Christopher Crocitto, and PO Matthew Palmerini, all of the 47th Precinct Anti-Crime team (Sgt. Kovalenko was subsequently transferred to Bronx Narcotics), stopped § 87(2)(b) and § 87(2)(b) near the intersection of Boston Road and Fenton Avenue in the Bronx (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). PO Crocitto and another officer allegedly frisked and searched § 87(2)(b) (**Allegations C and F: Abuse of Authority, § 87(2)(g)**; **Allegations D and E: Abuse of Authority, § 87(2)(g)**). PO Crocitto also allegedly searched § 87(2)(b) (**Allegation G: Abuse of Authority, § 87(2)(g)**). After an officer instructed § 87(2)(b) to put down his bicycle, PO Crocitto allegedly placed § 87(2)(b) in a chokehold (**Allegation H: Force, § 87(2)(g)**). An officer then allegedly struck § 87(2)(b) in the face with a blunt instrument, causing § 87(2)(b) to fall to the ground (**Allegation I: Force, § 87(2)(g)**). PO Crocitto then allegedly pinned § 87(2)(b) to the ground (**Allegations J: Force, § 87(2)(g)**). While on the ground, Sgt. Kovalenko and PO Crocitto allegedly punched § 87(2)(b) and PO Palmerini allegedly kicked him (**Allegation J continued; Allegations K and L: Force, § 87(2)(g)**). PO Palmerini then allegedly returned to § 87(2)(b) and searched him a second time (**Allegation M: Abuse of Authority, § 87(2)(g)**). After § 87(2)(b) was handcuffed, PO Michael Monahan and PO Joseph Rowe, both of the 47th Precinct, arrived. § 87(2)(b) and § 87(2)(b) were released without being arrested or issued any summonses. § 87(4-b), § 87(2)(g)

§ 87(2)(b) The CCRB does not possess any video footage of this incident.

Findings and Recommendations

Allegation A – Abuse of Authority: Sergeant Aleksandr Kovalenko stopped § 87(2)(b)

Allegation B – Abuse of Authority: Sergeant Aleksandr Kovalenko stopped § 87(2)(b)

Allegation C – Abuse of Authority: Police Officer Christopher Crocitto frisked § 87(2)(b)

Allegation D – Abuse of Authority: An officer frisked § 87(2)(b)

Allegation E – Abuse of Authority: An officer searched § 87(2)(b)

Allegation F – Abuse of Authority: Police Officer Christopher Crocitto searched § 87(2)(b)

Allegation G – Abuse of Authority: Police Officer Christopher Crocitto searched § 87(2)(b)

Allegation M – Abuse of Authority: Police Officer Matthew Palmerini searched § 87(2)(b)

It is undisputed that Sgt. Kovalenko, PO Crocitto, and PO Palmerini stopped § 87(2)(b) and § 87(2)(b) and that no Stop Report was prepared. § 87(2)(g)

§ 87(2)(b) was interviewed at the CCRB on May 16, 2018 [BR 01]. He stated that after leaving a corner store with § 87(2)(b) an unmarked black vehicle pulled up next to them. Officers asked the men something to the effect of “Where y’all going?” Neither § 87(2)(b) nor § 87(2)(b) responded. The officers said something else that § 87(2)(b) could not hear clearly then backed up, exited their vehicle, and told § 87(2)(b) and § 87(2)(b) to stop. § 87(2)(b) did not stop and continued walking for approximately 15 seconds. Four officers in plainclothes then surrounded § 87(2)(b) and § 87(2)(b). Two officers said that § 87(2)(b) and § 87(2)(b) looked like they were “hustling” and that they knew they were selling drugs. § 87(2)(b) responded that they do not sell anything. The officers then separated § 87(2)(b) and § 87(2)(b). Two officers, including an officer identified by the investigation as PO Crocitto, frisked § 87(2)(b) on his waistband, rear, stomach, and his back. An officer then entered § 87(2)(b) front thigh pockets. The officer removed the money from § 87(2)(b) pocket, looked at it, then put it back. PO Crocitto also took the grocery bag § 87(2)(b) was holding, looked inside, removed its contents, put them back in the bag, and then gave the bag back to § 87(2)(b). Officers, whom § 87(2)(b) did not describe, also searched the front and back pockets of § 87(2)(b) pants and felt his waistband.

§ 87(2)(b) was interviewed at the CCRB on June 22, 2018 [BR 02]. He was consistent that after leaving the store, an unmarked vehicle pulled up and that the three officers inside instructed § 87(2)(b) and § 87(2)(b) to stop. As the officers exited the vehicle, they all asked where the men were going and they both responded they were going home to § 87(2)(b) residence. After being told to stop a second time, § 87(2)(b) and § 87(2)(b) complied. In his phone statement [BR 03], § 87(2)(b) stated that an officer frisked his legs, arms, back, and underarms. However, during his sworn statement, § 87(2)(b) did not mention a frisk. He stated that an officer, identified as PO Crocitto, entered his pockets. Because § 87(2)(b) did not allege that he was frisked during his sworn statement, the allegation was not pled. After the physical altercation detailed below, an officer, identified by the investigation as PO Palmerini, searched § 87(2)(b) a second time. § 87(2)(b) believed § 87(2)(b) was also searched during that time, but he did not observe § 87(2)(b) as he was searched.

Both § 87(2)(b) and § 87(2)(b) stated that towards the end of the stop, a uniformed unit arrived. Aside from asking the Anti-Crime officers if they were needed, the uniformed officers, identified as PO Michael Monahan and PO Joseph Rowe of the 47th Precinct, did not have any further role in the encounter and arrived after the alleged frisks and searches occurred.

Sgt. Kovalenko was interviewed at the CCRB on December 6, 2018 [BR 04], PO Crocitto was interviewed on December 19, 2018 [BR 05], and PO Palmerini was interviewed on February 13, 2019 [BR 06]. None of the officers had any recollection of this incident. They were all shown photos of § 87(2)(b) and § 87(2)(b) but stated that they did not look familiar to them. The officers were also prompted with details of the encounter as provided by § 87(2)(b) and § 87(2)(b). However, the information did not assist in refreshing their recollections of the encounter.

PO Monahan was interviewed at the CCRB on November 2, 2018 [BR 07]. He stated that while on routine patrol along Boston Road, he or PO Rowe noticed approximately four plainclothes officers had two males stopped. PO Monahan did not recall the identities of the officers involved or what unit they were from. PO Monahan and PO Rowe approached to ensure that the officers were “alright.” PO Monahan did not recall any conversation with the other officers about why the males were stopped. He was not aware of any frisks or searches that were performed and estimated he was on scene for approximately two minutes. Because PO Monahan

and PO Rowe were not involved in stopping § 87(2)(b) and § 87(2)(b) and arrived after the alleged frisks and searches took place, the investigation determined that PO Rowe's testimony would not alter the recommended findings below. Therefore, he was not interviewed.

§ 87(2)(b) alleged that there were four plainclothes officers involved in this incident.
§ 87(2)(g)

A Warrant Audit check showed that Sgt. Kovalenko ran § 87(2)(b) name at 3:06 a.m. and that PO Monahan ran § 87(2)(b) name at 3:20 a.m. and 3:22 a.m. on May 3, 2018 [BR 08]. Sgt. Kovalenko was shown the printout during his CCRB interview but stated that it did not refresh any recollection of this incident.

PO Palmerini prepared a memo book entry at 3:00 a.m. noting that one male was stopped at Boston Road and Fenton Avenue in the Bronx [BR 09]. At 3:06 a.m., he marked the job as 91 (non-crime corrected). The memo book entry did not prompt any independent recollection of this incident.

As noted above, no arrests were made and no summonses were issued. Document requests submitted to IAB 497 [BR 10] and the 47th Precinct [BR 11] show that no Stop Reports were prepared regarding this incident.

Patrol Guide Procedure 212-11 states that officers are to prepare a Stop Report for any individual they stop [BR 12].

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Allegation H – Force: Police Officer Christopher Crocitto used a chokehold against § 87(2)(b)

Allegation I – Force: An officer struck § 87(2)(b) with a blunt instrument.

Allegation J – Force: Police Officer Christopher Crocitto used physical force against § 87(2)(b)

Allegation K – Force: Sergeant Aleksandr Kovalenko used physical force against § 87(2)(b)

Allegation L – Force: Police Officer Matthew Palmerini used physical force against § 87(2)(b)

It is undisputed that § 87(2)(b) received medical attention on May 3, 2018, at 4:01 p.m. and that he was diagnosed with nasal bone fractures and blunt right eye trauma. It remains disputed if any officers used any physical force against § 87(2)(b).

§ 87(2)(b) alleged that after being searched, an officer took ahold of both of his wrists as he held the handlebars of his bicycle. § 87(2)(b) pulled his arms away because the officer's grip was painful. At that point, an officer, identified as PO Crocitto, approached from behind and put § 87(2)(b) in a chokehold by hooking his right arm around § 87(2)(b) neck. § 87(2)(b) let go of his bicycle and tried to duck his head under his hands but another officer immediately struck him with a blunt object near his right eye and side of his nose. § 87(2)(b) did not get a clear view of the object but said it felt like a police radio. After being struck, § 87(2)(b) went to the ground face first. PO Crocitto kept his arms around § 87(2)(b) neck as he was brought to the ground and kept him in the chokehold for approximately 15 seconds once he hit the ground. PO Crocitto put his knee(s) on § 87(2)(b) back and placed a hand on § 87(2)(b) head, causing the left side of his face to scrape against the pavement. PO Crocitto was the only officer on top of § 87(2)(b) while he was on the ground; the other officers were attempting to grab § 87(2)(b) arms and legs. After PO Crocitto released the chokehold, officers instructed § 87(2)(b) to place his hands behind his back. § 87(2)(b) initially had his elbows tucked to his sides and his hands covering his head. From that position, § 87(2)(b) put his hands flat on the concrete and then extended his arms out to either side of his head. § 87(2)(b) legs were straight back and he did not kick or move his legs. While on the ground, two officers, one of which was identified as PO Crocitto, punched § 87(2)(b). The remaining officer(s) kicked § 87(2)(b) in his legs three to four times before he was placed in handcuffs. PO Crocitto continued to pin § 87(2)(b) to the ground after he was handcuffed. § 87(2)(b) felt the area surrounding his right eye beginning to swell and had scrapes to his knees that were visible on scene. The officers asked § 87(2)(b) for his first and last name and then went over the radio to check if he had any warrants. After checking for warrants, PO Monahan and PO Rowe arrived. § 87(2)(b) and § 87(2)(b) were later released.

§ 87(2)(b) initially stated that an officer told § 87(2)(b) to put down his bicycle but § 87(2)(b) refused. However, § 87(2)(b) then said that § 87(2)(b) put the bicycle down after the first instruction to do so. Aside from hearing the officer tell § 87(2)(b) to put the bicycle down, § 87(2)(b) did not hear any officer give him any other commands or instructions. § 87(2)(b) then heard "tussling," which he described as clapping sounds, and then looked at § 87(2)(b). § 87(2)(b) had already put the bicycle down as officers, identified as Sgt. Kovalenko and PO Palmerini, put their arms around § 87(2)(b) waist to bring him down to the ground.

§ 87(2)(g)

One officer, possibly PO Crocitto, assisted in bringing § 87(2)(b) to the

ground by putting his forearm around § 87(2)(b) neck for “a few seconds.” § 87(2)(b) told the officers to get off him but did not do anything with his body to free himself. § 87(2)(b) landed face down on the ground. As § 87(2)(b) hit the ground, PO Crocitto removed his arm from around § 87(2)(b) neck. Officers, identified as PO Crocitto and Sgt. Kovalenko, punched § 87(2)(b) multiple times in the head and punched him rapidly in the side approximately ten times each. Aside from the punching, no other force was used against § 87(2)(b) once he was on the ground. An officer – § 87(2)(b) did not know which – handcuffed § 87(2)(b) while he was on the ground. When § 87(2)(b) stood up, his eye was swollen and bleeding and his nose looked “fragile.” Several minutes after § 87(2)(b) stood up, PO Monahan and PO Rowe arrived.

§ 87(2)(g)

As mentioned in the previous section, PO Crocitto was the only officer that could be identified using the subject officer descriptions § 87(2)(b) provided. Because § 87(2)(b) did not attribute being struck with a blunt instrument to PO Crocitto, he provided unclear descriptions for the remaining subject officers, and § 87(2)(b) did not mention observing an officer strike § 87(2)(b) with a blunt instrument, the allegation was pled against “An officer.” Furthermore, § 87(2)(b) stated that two officers punched him. § 87(2)(g)

As discussed above, Sgt. Kovalenko, PO Crocitto, and PO Palermini had no recollection of this incident or of § 87(2)(b) and § 87(2)(b). As such, they did not recall and/or denied taking the actions alleged.

PO Monahan believed § 87(2)(b) and § 87(2)(b) were standing in a small group speaking with the officers when he arrived. PO Monahan did not recall if either individual was handcuffed. PO Monahan did not recall speaking to § 87(2)(b) and did not recall anything § 87(2)(b) or § 87(2)(b) may have said during the incident. PO Monahan did not recall observing any injuries on § 87(2)(b) and did not recall if § 87(2)(b) complained of any pain or injuries. Although PO Monahan stated that he did not recall what § 87(2)(b) may have said during the incident, he stated that § 87(2)(b) did not allege that any officer used force against him during the encounter. Moreover, PO Monahan denied observing any officer take the actions alleged and did not recall any officer informing him that they used force against § 87(2)(b).

§ 87(2)(b) and § 87(2)(b) both stated that PO Monahan and PO Rowe arrived on scene after the alleged force took place and therefore would not be able to speak to any actions taken by the Anti-Crime officers. § 87(2)(g)

Document requests submitted to IAB 497 [BR 13] and the 47th Precinct [BR 11] show that no Threat, Resistance, or Injury (TRI) Report was prepared for § 87(2)(b).

As mentioned above, § 87(2)(b) sought medical attention at the § 87(2)(b) in the Bronx at 4:01 p.m. on May 3, 2018 [Privileged Documents 01]. § 87(2)(g)

§ 87(2)(b) told hospital staff that he was “assaulted by police” at 3:00 a.m. the previous night but was unsure of what he was hit with. He complained of pain, swelling, and bruising to his right eye and of blurry vision. As noted above, § 87(2)(b) was diagnosed with blunt eye trauma and nasal bone fractures.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party [BR 18].
- This is the first CCRB complaint to which § 87(2)(b) has been a party [BR 19].
- Sgt. Kovalenko has been a member-of-service for 11 years and has been a subject in eight CCRB complaints and 21 allegations, one of which was substantiated:
 - 201609709 involved a Threat of Force allegation against Sgt. Kovalenko. The Board recommended Formalized Training and the NYPD imposed Formalized Training.
- PO Crocitto has been a member-of-service for 13 years and has been a subject in five CCRB complaints and nine allegations, none of which were substantiated.
- PO Palmerini has been a member-of-service for 12 years and has been a subject in five CCRB complaints and 14 allegations, two of which were substantiated:
 - 201707222 involved two allegations of a Search of a Person against PO Palmerini. The Board recommended Command Level Instructions and Formalized Training. The NYPD has not yet imposed a penalty.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- On February 15, 2019, a Notice of Claim request was submitted to the New York City Office of the Comptroller and will be added to the case file upon receipt.
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- According to OCA, § 87(2)(b) [REDACTED] has no history of convictions in New York City [BR 21].

Squad No.: ____8____

Investigator: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Squad Leader: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Reviewer: _____

Signature	Print Title & Name	Date
-----------	--------------------	------